

ENTERED

November 15, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

REYNALDO GILBERTO PADILLA-TORRES,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 1:22-CV-143
	§	CRIMINAL ACTION NO. 1:21-CR-655-1
UNITED STATES OF AMERICA	§	

ORDER

On October 17, 2022, Petitioner Reynaldo Gilberto Padilla-Torres moved to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Doc. 1) He alleges “[h]e is being deprived of his constitutional [] liberty” because Congress “proscribe[d] marijuana [] without due process of law” and “without compelling government reasons”. (*Id.* at 3)

The Magistrate Judge recommends that Padilla-Torres’s Motion be denied as substantively meritless. (R&R, Doc. 4) No party filed objections to the Report and Recommendation, and the Court finds no plain error within it. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).


As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 4). It is:

ORDERED that all claims against the United States by Petitioner Reynaldo Gilberto Padilla-Torres in his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1) are **DISMISSED WITH PREJUDICE**.

In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Padilla-Torres fails to make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

The Clerk of Court is directed to close this matter.

Signed on November 15, 2022.


Fernando Rodriguez, Jr.
United States District Judge